II. Settlement and Demarcation.

A. SYSTEM OF FOREST SETTLEMENT ADOPTED IN THE BOMBAY PRESIDENCY—*concluded.*

(*c*) The Collector of the District is generally appointed under section 16 of the Indian Forest Act, No. VII of 1878, to hear appeals from such orders as the Forest Settlement Officer in his Collectorate may pass under sections 10, 11, 14 or 15 of the Act.

(*d*) In Collectorates in which forest reservations have not been completed, the Forest Settlement Officer, who is invariably in such cases an Assistant Collector, is appointed Demarcation as well as Settlement Officer, and it then becomes his duty to arrange, in personal communication with the Forest Officer in charge of the District, what lands are required to be finally maintained as forests under the Forest Act; each táluka of a Collectorate is taken up in turn and demarcated, and in this manner complete selections of lands for forests are made. Lists of these lands are prepared and the latter are entered upon the map of the táluka in distinguishing colours and a report containing among other matters the recommendations of the Demarcation Officer, made in his executive capacity, as to the privileges which may be allowed in the lands when they have been constituted forests, is drawn up. These documents are then submitted to the Collector of the District by the Demarcation Officer. If any settlement work has been completed the results are embodied in the demarcation report, which in that case becomes a demarcation and settlement report. The Collector criticises the proposals and records his opinion, and the papers then pass to the Conservator of Forests of the Division, who attaches his remarks and transmits all the documents to the Commissioner of the Division. The Commissioner, after recording his views, submits the papers to Government for final orders. The demarcation lists comprise :—

(1) Lands already forest.

(2) Government waste land.

(3) Occupied lands or alienated lands which are to be acquired.

The Forest Demarcation and Settlement Officer is invested by Government with special powers for the acquisition of occupied lands. Some of these lands are purchased by payment of such ompensation as the Demarcation Officer and the occupant may jointly agree to. Others are obtained by exchange, waste lands being given in their place, and sometimes the Demarcation Officer remits, for one, two or three years, the assessment upon the new lands to be given in exchange for the occupied lands to be included in forests.*

B. Appointment and position of Forest Settlement Officer.

Forest Settlement Officer's appointment.

122. The Forest Settlement Officer is usually an officer belonging to the Civil Service, who may or may not be put on special duty to carry out the work, according to the extent of the settlement to be done.

* G. I. to the Government of Madras, No. 3150, dated 23rd April 1883.

II. Settlement and Demarcation.

B. APPOINTMENT AND POSITION OF FOREST SETTLEMENT OFFICER—*continued.*

Reason for appointing a Forest Settlement Officer.

The object of the appointment of a Forest Settlement Officer is that after a fixed date all rights not asserted before him or otherwise brought to his knowledge may be *extinguished.**

Forest Settlement and Forest Demarcation office may be held by the same officer.

123. There is no objection to a Forest Settlement Officer being also a Forest Demarcation Officer. A Forest Demarcation Officer is not invested, as such, with any powers under the Forest Act and he does not, therefore, hold a "Forest office." Moreover, section 4 of the Act does not absolutely prohibit the appointment of a person holding a "Forest office" to be Forest Settlement Officer. It merely directs that such an appointment shall not "ordinarily" be made.†

Forest Officers should not hold.

124. It seems inexpedient, and not in accordance with the spirit of the Act, that a Divisional Forest Officer should be appointed Forest Settlement and Demarcation Officer.‡

Forest Settlement Officer should submit his diary.

125. The Forest Settlement Officers should submit their diaries to the Conservator of Forests in charge of the Division in which they are employed.§

Position of Forest Settlement Officer to Conservator.

126. Neither Forest Settlement Officers nor their establishments are under the control of the Conservator, but as he is responsible for expenditure debited to the head of forests, he should countersign the salary and travelling allowance bills of the establishments of Forest Settlement Officers. As these establishments are not subordinate to the Divisional Forest Officers, the Forest Code does not require the bills to be submitted through these Officers.‖

Forest Settlement Officer's position is that solely of Judge.

127. However valuable and useful the suggestions and advice of the Forest Settlement Officer may be, both to the Forest Department and to the District authorities, in connection with the administration of forest lands, it is not constitutionally any part of that officer's duties to submit to the executive authorities official recommendations which relate to the executive management of forests. His position, in proceedings affecting reservation under the Forest Act, is solely that of a Judge. In this capacity he has the power to determine the rights of the State and of the people in certain forest areas, to provide for the exercise of adverse rights, to regulate them, or to extinguish them; and the Government of

* Government Resolutions No. 3329, dated 24th June 1879; No. 3567, dated 7th July 1879; and No. 7840, dated 9th November 1882.

† L. R. No. 222, dated 16th February 1889, *vide* Government Resolution No. 1125, dated 23rd February 1889.

‡ Government Resolution No. 4157, dated 28th June 1883.

§ Government Resolution No. 4072, dated 30th May 1883.

‖ Government Resolution No. 4918, dated 19th May 1885.

No. 71.

Page 58.

Foot-note '†' *for* '1889' in two places *read* '1881'..

Foot-note '‡' *for* '1883' *read* '1882'.

B. APPOINTMENT AND POSITION OF FOREST SETTLEMENT OFFICER—*concluded.*

India would prefer, both for administative and financial reasons, that the official action of Forest Settlement Officers should be confined to performance of these duties.*

C. Duties of a Forest Settlement Officer.

128. A Forest Settlement Officer in his award of settlement is not required to make any record of *privileges*. The Settlement Officer has simply to record in his award column against the different forest numbers, *rights*, their nature and extent, where rights exist, and to record "free of rights" where no rights exist.

Forest Settlement Officer has not to record privileges but to deal with rights.

A Forest Settlement Officer is not to record that certain forest lands should be expunged and that others are available for exchange. This is the work of a Forest Demarcation Officer and not of a Forest Settlement Officer as defined by the Forest Act.†

129. The Forest Settlement Officer has two principal duties to attend to, first to make a proper inquiry; and, secondly, to dispose of the claims in accordance with the provision of Chapter II of the Forest Act. His enquiry is to be made not only into all claims duly preferred, but he is to search for the *existence* of any rights which are not claimed by examining Government records, taking the evidence of persons likely to be acquainted with any such rights, and personally surveying and mapping out the proposed forest.‡

Forest Settlement Officer's two principal duties are.

130a. The powers and duties of a Forest Settlement Officer, as defined by the Act, are briefly as follows:—

Powers and duties of a Forest Settlement Officer as defined by the Act.

The "Forest Settlement Officer" (*vide* section 4*c*) is appointed to inquire into and determine the existence, nature and extent of any *rights* alleged to exist in favour of any person in or over any land comprised within the proposed forest limits, or in or over any forest produce, and to deal with the same as provided by the Act.

Section 4, Indian Forest Act.

The Settlement Officer is required (section 7) to take down in writing any statements of claims of *rights* made under section 6, and to enquire into all claims duly preferred under that section, and the existence of any *rights* mentioned in sections 4 and 5, so far as may be ascertainable from the records of Government, and the evidence of any persons likely to be acquainted with the same.

Section 7, Indian Forest Act.

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* G. I., R. & A., No. 651-F, dated 6th June 1891, *vide* Government Resolution No. 4560, dated 6th July 1891.

† Government Resolution No. 4919, dated 15th September 1876.

‡ L. R. No. 565, dated 9th May 1881, *vide* Government Resolution No. 3112, dated 31st May 1881